

REMARKS

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone George Wolken Jr., Esq. at (408) 567-0340 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

A. Priority Under 35 USC § 119(e).

The Examiner has rejected applicants' claim for priority under 35 USC § 119(e) in paragraph 2 page 2 of the office action dated July 16, 2004 ("Office Action") "...because the priority document is attributed to five people (Hodes, Hauser, Freed, Wawrzynek, Wessel, listed on page 1), but the present application lists only two of these people as inventors (Hodes and Freed)..." This rejection is respectfully traversed.

Following diligent inquiry as to the facts and circumstances surrounding the conception of the present invention, applicants respectfully submit that the contributions of Wawrzynek and Wessel were in the nature of general background in the field, overall management and supervision of the research endeavor, and other activities not meeting the requirements for joint inventorship under 35 USC § 116. Applicants respectfully point out that generally accepted criteria for co-authorship in the field to which the priority document relates is distinct from the statutory requirements for joint inventorship under 35 USC § 116.

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That is, there is no reason in custom, usage or in law that joint inventorship must duplicate co-authorship and, in this case, it does not.

Therefore, applicants respectfully request that the claim for priority under 35 USC § 119 (e) be accepted and the present application be examined in light of prior art qualifying as such under the requested priority date.

The inquiry as to designation of joint inventorship indicates that Mr. John Hauser is properly included as a joint inventor pursuant to 35 USC § 116. Documents adding Mr. Hauser as a joint inventor accompany this Amendment.

B. Claim Objections: Claims 16 and 17.

Claim 16 has been amended to correct the error noted by the Examiner.

Paragraph [0039] of the Substitute Specification has been amended to correct an obvious typographical error that makes the amended specification consistent with claim 17. This change to the specification does not constitute new matter since the corrected equation introduced into the new paragraph [0039] is contained in provisional patent application 60/124,273 in the paragraph immediately following Eq. (1) of the cited '273 provisional application. In addition, the correction to paragraph [0039] does not constitute new matter in that it merely corrects an

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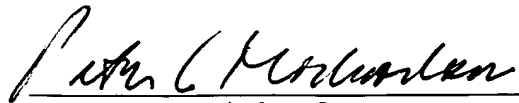
obvious typographical error in which a "-" sign was mistyped when an "=" sign was clearly intended.

C. Claim Rejections: 35 USC §102.

In paragraph 5 of the Office Action, the Examiner rejects claims 16-18 under 35 USC 102(a) as being anticipated by Hodes et al, ("A fixed-point recursive digital oscillator for additive synthesis of audio,: Hodes, T. et al, Acoustics, Speech and Signal Processing, 1999. ICASSP '99 Proceedings., 1999 IEEE International Conference on; Publication Date: 15-19 March 1999, page(s): 993-996, vol. 2., hereinafter "Hodes et al.") As argued above, the present application properly claims priority from provisional patent application 60/124,273, filed March 11, 1999. Therefore, the cited reference of Hodes et al from March 15-19, 1999 is not prior art with respect to the present application. Therefore, the Examiner's arguments related to rejection of claims of the present application in whole or in part based upon the cited reference of Hodes et al, are moot.

Respectfully submitted,

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